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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,524	03/30/2004	Donald E. Godshaw	04286.00139	6145
22908	7590	02/09/2005		
BANNER & WITCOFF, LTD.			EXAMINER	
TEN SOUTH WACKER DRIVE				MEREK, JOSEPH C
SUITE 3000			ART UNIT	PAPER NUMBER
CHICAGO, IL 60606				3727

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/813,524	GODSHAW ET AL.	
Examiner	Art Unit		
Joseph C. Merek	3727		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 March 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-42 is/are pending in the application.  
4a) Of the above claim(s) 1-10 and 28-42 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 11-19 and 21-27 is/are rejected.  
7)  Claim(s) 20 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

This application contains claims directed to the following patentably distinct species of the claimed invention: Group 1, Fig. 10;

Group 2, Fig. 14

Group 3, Fig. 23..

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with 1/28/05 on Jon Nelson a provisional election was made with traverse to prosecute the invention of Group 2, claims 11-27. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-10 and 28-42 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Objections***

Claims 12 and 13 are objected to because of the following informalities: in line 3 of the claim 13 "slap" should be replaced with flap. Claims 12 and 13 depend from claim 1 or 2 respectively. Claim 12 has been treated as depending from claim 11. Claim 13 has been treated as depending from claim 12. It appears that these are typographical errors. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-19, 21 are rejected under 35 U.S.C. 102(b) as being anticipated.

Gorman (US 5,533,809). Regarding claim 11, the at least one loop is 32 or 34. The flap is 46 and the gripping surface is 44. Regarding claim 12, the back panel is generally rectangular with first and second lateral sides as seen in Fig. 2. Regarding claim 13, there are three sections of 44 which are on both sides of the back panel. Regarding claim 14-16 see Fig. 2. Regarding claim 17, the belt loop is one of 32 or 34. Regarding claim 18, the belt loop includes a folding flap as seen in Fig. 2 and is attachable to the exposed surface 46 on the upper one of 44. Regarding claim 19, see Fig. 1-3, and the fastener is hook and loop. Regarding claim 21, there are two loops 32 and 34.

Claims 11, 22, 23, 24, 25, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson et al (US 4,580,706). Regarding claim 11, see Figs. 2, 3, 4, and 6, where the structure is shown. 60 is the flap. Regarding claim 22, the bags are joinable together. Items 72 of the second bag is secured to the inside faces and constitutes a gripping surface with the rings and the straps 90. Regarding claim 23, 66 is the carry strap as seen in Fig. 4. The loops 70 and 74' are secured to the strap via

44. Regarding claim 24, see Fig. 4. Regarding claim 25, 67 connects the bags.

Regarding claim 27, see Fig. 4

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Gorman (US 5,533,809). Regarding claim 22, Gorman does not teach having a second pouch. It would have been obvious to one of ordinary skill in the art to provide as many pouches as need for a user to store multiple remotes. The pouches are capable of being secured to each other by the structure on the back panel of the pouch.

Claims 11 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Seber (US D 316,186) in view of Holland et al (US 6,244,486). Regarding claim 11, Seber teaches the claimed structure but does not teach the gripping surface on the back or the flap for covering the gripping surface. Holland et al, as seen in Fig. 8 teaches a similar structure where the belt loop s46 is detachable. It would have been obvious to employ the gripping surface 50 of Holland et al to allow the user to remove the pouch without removing the belt or to make it easier to remove the pouches from a belt.

Regarding claim 26, see Fig. 4 of Seber where the claimed structure is shown.

***Allowable Subject Matter***

Claim 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

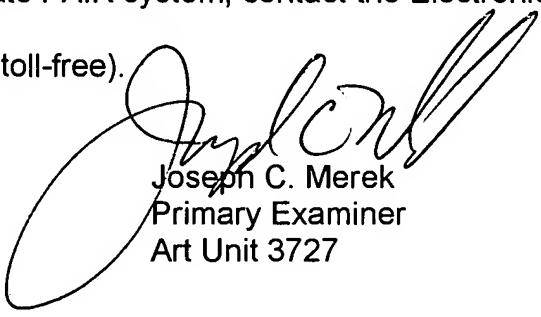
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith, Hart et al, Lee, and Change are all cited for their structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is 571 272-4542. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (571) 272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph C. Merek  
Primary Examiner  
Art Unit 3727